

# House File 2314 - Introduced

HOUSE FILE 2314  
BY COMMITTEE ON LOCAL  
GOVERNMENT

(SUCCESSOR TO HF 2148)

## A BILL FOR

1 An Act permitting cities to charge certain fireworks violations  
2 as municipal infractions, and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 364.22, subsection 3, Code 2018, is  
2 amended to read as follows:

3 3. a. A city shall not provide that a violation of an  
4 ordinance is a municipal infraction if the violation is a  
5 felony, an aggravated misdemeanor, or a serious misdemeanor  
6 under state law or if the violation is a simple misdemeanor  
7 under chapters 687 through 747, except as provided in paragraph  
8 "b".

9 b. Notwithstanding section 727.2, subsection 2, paragraph  
10 "b", subparagraph (1), and subsection 3, paragraph "c",  
11 subparagraph (1), a city that by ordinance or resolution  
12 prohibits or limits the use of consumer fireworks, display  
13 fireworks, or novelties pursuant to section 364.2, subsection  
14 6, may provide that a violation of such ordinance or resolution  
15 is a municipal infraction.

16 Sec. 2. Section 727.2, subsection 2, paragraph b,  
17 subparagraph (1), Code 2018, is amended to read as follows:

18 (1) A person who uses or explodes display fireworks  
19 while the use of such devices is prohibited or limited by an  
20 ordinance or resolution adopted by the county or city in which  
21 the firework is used commits a simple misdemeanor, punishable  
22 by a fine of not less than two hundred fifty dollars, unless  
23 a city classifies a violation of an ordinance or resolution  
24 prohibiting the use of display fireworks as a municipal  
25 infraction pursuant to section 364.22, subsection 3, paragraph  
26 "b", whereby such person commits a municipal infraction in  
27 accordance with section 364.22.

28 Sec. 3. Section 727.2, subsection 3, paragraph c,  
29 subparagraph (1), Code 2018, is amended to read as follows:

30 (1) A person who uses or explodes consumer fireworks or  
31 novelties while the use of such devices is prohibited or  
32 limited by an ordinance adopted by the county or city in which  
33 the fireworks are used commits a simple misdemeanor, punishable  
34 by a fine of not less than two hundred fifty dollars, unless  
35 a city classifies a violation of an ordinance or resolution

1 prohibiting the use of consumer fireworks or novelties as a  
2 municipal infraction pursuant to section 364.22, subsection  
3 3, paragraph "b", whereby such person commits a municipal  
4 infraction in accordance with section 364.22.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with  
7 the explanation's substance by the members of the general assembly.

8 Current law authorizes cities to prohibit or limit the use  
9 of consumer fireworks, display fireworks, or novelties by  
10 ordinance or resolution. A person who violates such ordinance  
11 or resolution commits a simple misdemeanor, punishable by a  
12 fine of at least \$250.

13 This bill permits cities to classify a violation of an  
14 ordinance or resolution prohibiting or limiting the use of  
15 consumer fireworks, display fireworks, or novelties as a  
16 municipal infraction. The bill provides that a person who uses  
17 such fireworks while the use of such devices is prohibited or  
18 limited by a local ordinance commits a simple misdemeanor,  
19 unless a city classifies a violation of such ordinance or  
20 resolution as a municipal infraction, whereby the person  
21 commits a municipal infraction in accordance with Code section  
22 364.22. A municipal infraction is a civil offense punishable  
23 by a civil penalty of not more than \$750 for each violation or,  
24 if the infraction is a repeat offense, a civil penalty of not  
25 more than \$1,000 for each repeat offense.